

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANDREA EMANUEL,

Plaintiff,

-against-

Index No.: 08 CV 1250

AFFIDAVIT OF SERVICE  
OF SUMMONS  
AND COMPLAINTSTATE OF NEW YORK, DEPARTMENT OF  
CORRECTIONAL SERVICES, et al.,

Defendants.

STATE OF NEW YORK, COUNTY OF NASSAU SS.:

JOHN MICHAEL DEVITO, being duly sworn deposes and says: that deponent is not a party to his action, is over 18 years of age and resides at Farmingdale, NY 11735. That on March 5, 2008 at 12:54 p.m. at 31 W. 110<sup>th</sup> Street, New York, New York 10026, deponent served the within Summons and Complaint on defendant LT. ROBERT MURRAY therein named.

1.  INDIVIDUAL by delivering a true copy of *each* to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

2.  CORPORATION a domestic corporation, by delivering thereat a true copy of *each* to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be AUTHORIZED TO ACCEPT thereof

3.  SUITABLE AGE PERSON by delivering thereat a true copy of *each* to a person of suitable age discretion. Said premises is defendant's - dwelling house - usual place of abode - within the state.

4.  AFFIXING TO DOOR, ETC. by affixing a true copy of *each* to the door of said premises, which is defendant's - actual place of business - dwelling house - usual place of abode - within the state. Deponent was unable with due diligence to find defendant or a person of suitable age and discretion, thereat having called there

MAILING use with 3 or 4 (if applicable) Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addresses to defendant at defendant's last known residence, at and deposited said wrapper in - a post office - depository under exclusive care and custody of the United States Postal Service within New York State.

**MAILED IN AN ENVELOPE MARKED PERSONAL AND CONFIDENTIAL**

DESCRIPTION Deponent describes the individual served as follows:  
1 or 3

<input checked="" type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input type="checkbox"/> Black Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 lbs.
<input type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 50" - 5'3"	<input type="checkbox"/> 100-130 lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Blond Hair	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> 54" - 5'8"	<input checked="" type="checkbox"/> 131-160 lbs.
		<input checked="" type="checkbox"/> Gray Hair	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 59"-6'0"	<input type="checkbox"/> 161-200 lbs.
		<input type="checkbox"/> Red Hair	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 lbs.
		<input type="checkbox"/> White Hair			
		<input type="checkbox"/> Balding	<input checked="" type="checkbox"/> Mustache		

Sworn to before me on March 11, 2008



SHERYL A. SERRANO  
Notary Public, State of New York  
No. 01SE6090996  
Qualified in Nassau County  
Commission Expires April 21, 2011



JOHN MICHAEL DEVITO